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PUBLIC STATEMENT OF MARLA PAINTER

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. MS. PAINTER: You think they would have learned this 15 years ago.

Grace Portori was saying that she was a lot younger when she started doing these hearings. Well, this is evidence that I was a lot younger when I started doing the hearings. Now I have to wear glasses.

There are a few things that I just wanted to have on the record, and I'm going to have formal comments to the DOE that are a little more in-depth, but I wanted to make sure that the people left here know a few things and I want it on the record that these are things that are totally inadequate about this EIS, and you may already know this.

1 [But first of all, the Nuclear Waste Policy Act, which was referred to in the way typical DOE double speak that, well, they looked at these other sites, but they didn't seem to be possible sites or adequate sites. Well, that's baloney, and we all know, and Bob Fulkerson articulated it very well. It was a political decision because those states had more power than Nevada 15 years ago, and Las Vegas was not nearly the size that it is now. We did not have nearly the congressional power that we have now.

And other states squawked, and this act which eliminated all other sites came into being. That is a fact. It was called the screw Nevada bill.]

[The next thing is that the part about standards being thrown out when they can't be met by the DOE is absolutely true. And it's important for you to all pay attention to this.

2 Just yesterday another set of standards were decided to not be reachable. So they are going to be changed. So watch that carefully, the way in which they do that.

And Congress is complicit with all of this, believe me.]

3 [The draft document is bogus and shameful, particularly because it doesn't study anything that's actually going to happen or that might happen. They do not talk about what this -- what the design of the repository will be, and they do not talk about what the

transportation routes will be. Those are two very important parts of this project wouldn't you say? And yet, they don't -- they won't specifically speak in the EIS to those two parts of it.

4 They are saying, well, we'll study that sometime in the future. No, that's what an EIS is. An EIS is a document with which a decision is to be made about whether or not to proceed with a project.

It is not a document to fulfill some federal requirement. This is your document, so that you can look at it and decide whether this is a place where the waste should be stored.

How can you decide that when there is no design to the repository in the document and there are no specific transportation routes? Just lots of possibilities which will be studied in some vague time frame in the future.

5 The other reason that it's inadequate is because the heart of the National Environmental Policy Act is that EIS's will study alternatives. Now the Nuclear Waste Policy Act took that from us. It took that from us. And how can you possibly have an adequate Environmental Impact Statement when you're not studying the alternatives, and I mean all of them, including not doing this at all?

6 Which we know the only alternative left is the no action alternative. But the no action alternative, if you have read the document, is so absurd as to put you in the position of saying, well, do I take this absurd option or do I take that absurd option? That is totally bogus and wrong.

7 The other part is that the integrity and intent of NEPA has been violated by the fact that we have not been given full proof in this document. The other probably second most important part of the CEQ regulations and the National Environmental Policy Act is that an EIS is supposed to be able to justify, not justify a decision that's already been made but is supposed to study whether or not that decision should be made.

8... And I think that we all need to look at the fact that Congress is not respecting people in Nevada by taking out the very heart of what the law originally said an impact statement is supposed to do. And 75 percent of Nevadans have responded by telling the DOE and Congress, if you aren't going to respect us enough to at least

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hand us a decent Draft Environmental Impact Statement, we're not going to respect this process. We are calling it for what it is, a sham and a bogus process.

And I encourage you to give that message including your technical comments very clearly to the DOE so that they have to give it to Congress. Thank you.

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